

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
TEXAS SHERMAN DIVISION**

AMERICAN ASSOCIATION OF
ANCILLARY BENEFITS, A FLORIDA
NOT-FOR-PROFIT CORPORATION, AND
PREMIER HEALTH SOLUTIONS, LLC, A
TEXAS LIMITED LIABILITY COMPANY,

Plaintiffs,

v.

XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY, AS SECRETARY OF THE
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, JULIE
A. SU, IN HER OFFICIAL CAPACITY AS
ACTING UNITED STATES SECRETARY OF
KABOR, AND JANET YELLEN, IN HER
OFFICIAL CAPACITY, AS SECRETARY
OF THE UNITED STATES DEPARTMENT
OF TREASURY,

Defendants

Case No. 24-CV-783

Judge Sean D. Jordan

**MOTION OF AMICI FOR LEAVE TO FILE AMICI CURIAE OPPOSING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

The Leukemia & Lymphoma Society (LLS), the AIDS Institute, ALS Association, Arthritis Foundation, Cancer Support Community (CSC), CancerCare, Crohn's & Colitis Foundation, Cystic Fibrosis Foundation (CFF), Epilepsy Foundation of America (EFA), Families USA, Muscular Dystrophy Association (MDA), National Alliance on Mental Illness (NAMI), National Multiple Sclerosis Society (NMSS), National Organization for Rare Disorders (NORD), National Patient Advocate Foundation (NPAF) (collectively "Amici") respectfully move for

leave to file the attached *amici curiae* brief in the above-captioned matter. Although this Court's Local Rules do not address *amici* participation, federal courts have inherent authority to permit the filing of such briefs, *See, e.g., Rowland v. GGNCS Ripley, LLC*, No. 3-13-cv-00011, 2016 WL 4136486, at *4 (N.D. Miss. Aug. 3, 2016) (collecting cases). And organizations often appear as *amici* to vindicate their interests.

District courts typically accept *amici* briefs where they are “timely” and “useful...to the administration of justice.” *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 3d 920, 927 (S.D. Tex. 2007) (quotation marks omitted); see also *Earth Island Inst. v. Nash*, No. 1:19-cv-01420, 2019 WL 6790682, at *1 (E.D. Cal. Dec. 12, 2019) (“The touchstone is whether the amicus is helpful...” (citing *California v. United States Dep’t of Labor*, No. 2:13-cv-02069, 2014 WL 12691095 (E.D. Cal. Jan. 14, 2014)) (quotation marks omitted)). Here, the Amici brief is timely and useful. The Amici represent millions of patients and consumers across the country facing serious, acute, and chronic health conditions. A number of Amici participated in the underlying rulemaking proceeding to amend the federal definition of short-term, limited-duration insurance (“STLDI”). Amici have unique perspectives on what individuals and families need to prevent disease, manage health, and cure illness—including the insurance coverage needs of those who have these serious medical conditions, which often require costly treatment.

Accordingly, the Amici respectfully request that the Court accept the attached *amici curiae* brief for filing.

Dated: December 18, 2024

Respectfully submitted,

/s/ Katherine G. Treistman

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2024, I filed this Motion with the United States District Court for the Eastern District of Texas using the CM/ECF system, which will cause it to be served on all counsel of record.

Dated: December 18, 2024

Respectfully submitted,

/s/ Katherine G. Treistman

Katherine. G. Treistman